

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AUGUSTUS SIMMONS,)	
)	
Plaintiff,)	Civil Action No. 13-258E
)	
v.)	
)	Judge Cathy Bissoon
CAPTAIN SZELEWSKI, <i>et al.</i> ,)	
)	Magistrate Judge Susan Paradise Baxter
Defendants.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On August 20, 2014, the Magistrate Judge issued a Report and Recommendation (Doc. 33) recommending that Defendants' Motion to Dismiss Second Amended Complaint (Doc. 25) be granted in part and denied in part. Specifically, the Report recommended that Defendants' motion to dismiss Plaintiff's retaliation claim against Defendant Szelewski be denied and that such claim be allowed to proceed beyond the pleading stage. The Report also recommended that Defendants' motion to dismiss all other claims be granted and that Defendants Williamson and Silloway be terminated from the case. Service of the Report and Recommendation was made on the parties, and Plaintiff timely filed objections (Doc. 34).

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following Order is entered:

Defendants' Motion to Dismiss Second Amended Complaint (**Doc. 25**) is **GRANTED IN PART AND DENIED IN PART**. Defendants' motion to dismiss Plaintiff's retaliation claim against Defendant Szelewski is **DENIED** and such claim will be allowed to proceed beyond the

pleading stage. Defendants' motion to dismiss all other claims is **GRANTED** and Defendants Williamson and Silloway will be terminated from the case. The Report and Recommendation of Magistrate Judge Baxter, dated August 20, 2014, is hereby adopted as the opinion of the District Court.

IT IS SO ORDERED.

September 22, 2014

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

Augustus Simmons
KL2144
SCI Greene
175 Progress Drive
Waynesburg, PA 15370